THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5285 OF 2007

DATED: 22-03-2007

BETWEEN

Chilla Rama Rao Reddy,
S/o. Late Ramulu,
R/o. D.No.4-21-21,
Peda Waltair,
Visakhapatnam and
others.

...PETITIONERS

AND

The Special Officer,
Competent Authority (Urban Land Ceiling)
Visakhapatnam and others.

...RESPONDENTS

ORDER:

Petitioners submit that they have acquired right and title over an extent of Ac.3.15 cents situated in T.S.No.52/1/B1 in Block No.4 of Waltair Ward No.2, Visakhapatnam District. It is stated that the petitioners intended to develop the said land and accordingly submitted a plan to the Municipal Corporation of Visakhapatnam/second respondent vide B.A.No.10248/07 dated 29.01.2007 seeking approval for construction of building. The said application was returned on 24.02.2007 with certain objections.

It is further stated that as there is requirement to file clearance certificate from the Special Officer, Competent Authority, Urban Land Ceiling, Visakhapatnam the petitioners filed an application dated 21.12.2006 for grant of ULC clearance but the said application is pending before the first

respondent. It is stated that the petitioners are within the ceiling limit, however, any sanction of the building permit will be subject to the proceeding that may be passed by the ULC authority.

2. Though the prayer of the petitioners is to direct the first respondent to dispose the application dated 21.12.2006 the petitioners confine their prayer to direct the respondents 2 and 3 to consider their representation dated 20.03.2007 filed subsequent to the filing of this writ petition. It is stated that under Section 429(1)(aa) of the Hyderabad Municipal Corporations Act, 1955 (for short 'the Act') there is a requirement to file ULC certificate or they are also entitled to file additional affidavits as required under Section 388. Under Section 388(d) of the Act the petitioners have to make an application by giving a written notice to the Commissioner along with a copy of the title deed of the land duly attested by a Gazetted Officer, together with an urban land ceiling clearance certificate, in case the extent of the land exceeds ceiling limit and if it does not exceed the ceiling limit, an affidavit declaring that the total extent of the land held by such holder or holders or their spouses or unmarried minor children does to exceed the ceiling limit. It is stated that as the said affidavit contemplated under Section 388(d) of the Act has been filed on 20.03.2007 along with title deeds, drainage betterment charges, plan etc. Thus, it is stated that the application dated 20.03.2007 is pending before the second respondent.

3. Having regard to the facts and circumstances of the case,
the second respondent is directed to consider and dispose the representation of the petitioners dated 20.03.2007 as expeditiously as possible in accordance with law.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

March 22, 2007
Note: Furnish C.C. of the order by 23.03.2007

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DSK